

2185
#7
nLw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Application of:

Peter M. Dickstein, et al.

Examiner: Unassigned

Serial No.: 09/752,650

Art Unit: 2485

Filed: December 29, 2000

For: SYSTEM AND METHOD TO ORGANIZE AND
MANAGE CORPORATE CAPITALIZATION
AND SECURITIES

RECEIVED

APR 22 2003

Technology Center 2100

Commissioner of Patents and Trademarks
Washington, D.C. 20231

**REQUEST FOR RECONSIDERATION IN A PETITION
TO MAKE SPECIAL FOR PENDING APPLICATION
[37 C.F.R. § 1.102(d) / MPEP § 708.2, II]**

RECEIVED

APR 23 2003

GROUP 3600

Dear Sir:

A Petition to Make Special in the present matter was filed on December 17, 2002. In a Decision mailed March 10, 2003, the Petition was dismissed on the basis that the filed Petition lacked a submission of: 1) a statement alleging that a careful and thorough search of the prior art was made, and 2) a copy of the most closely related references pursuant to MPEP 708.02 2(c). Applicants respectfully request reconsideration of the dismissal of the subject Petition.

With respect to the first requirement under MPEP 708.02 2(c), Applicants previously provided the requisite statement in the originally filed Petition to Make Special. In particular, the Petition filed on December 17, 2002 included the statement,

"In addition, the Applicants have made a complete search of the prior art in this case and/or has a thorough working knowledge of the prior art in this case." (Dec.17, 2002 Petition, pg. 1, 2nd para.)

This statement fully satisfies the requirements of the first portion of MPEP 708.02 2(c).

With respect to the second requirement under MPEP 708.02 2(c), Applicants are required to submit a copy of the most closely related references. As stated in the March 10, 2003 Decision, "a submission of art is always required" (Mar. 10, 2003 Decision, pg. 2, 1st para.). Although a submission of art is required, there is no requirement as to the quantity of references submitted. The second portion of MPEP 708.02 2(c) only requires that the "most closely related" art be submitted.

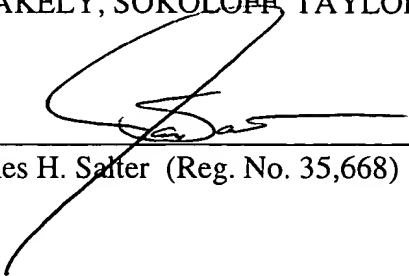
Applicants have fully complied with the requirement of MPEP 708.02 2(c) that the most closely related art be submitted. In an Information Disclosure Statement filed in the present case on October 1, 2002, Applicants did in fact submit the most closely related art as required under MPEP 708.02 2(c). The submitted art was already of record in the present case when the Petition to Make Special was originally filed on December 17, 2002. As such, Applicants are in full compliance with the requirements of MPEP 708.02, item II.

For these reasons, Applicants respectfully request withdrawal of the March 10, 2003 Decision and the granting of the subject Petition to Make Special.

The petition fee of \$130 was previously submitted with the December 17, 2002 petition. If there are any additional charges, please charge them to our Deposit Account Number 02-2666. If a telephone conference would facilitate the processing of this petition, the Examiner is invited to contact Jim H. Salter at (408) 720-8300.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 4/15/, 2003
James H. Salter (Reg. No. 35,668)

Customer No. 008791
12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300

FIRST CLASS CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents and Trademarks, Washington, D.C. 20231 on April 15, 2003.

Barbara Skliba
Name of Person Mailing Correspondence

Barbara Skliba
Signature

4/15/03
Date